

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 30, 2014

Mayor Philip Levine
Vice-Mayor Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson - Absent

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

After-Action

Meeting called to order at 5:25:50 p.m.

City Clerk's Note: Technical difficulties were experienced due to a power surge, and the audio recorder malfunctioned. Thereafter the audio was re-recorded utilizing the backup video tape. (Please refer to DCR times, listed in red, if listening to the audio recording. When viewing the video recording, you may refer to the actual times listed in black.)

Pledge of Allegiance given by Captain Mark Causey.

Presentations and Awards**5:26:05 p.m.****10:46:42 a.m. (DCR time)**

PA1 Home Rule Hero Presentation By The Florida League Of Cities.
(City Manager's Office)

ACTION: Presentation made.

Megan Sirjane-Samples, Florida League of Cities, Legislative Advocate, presented Joe Jimenez, Assistant City Manager, with the 2014 Home Rule Hero award. A Home Rule Hero is someone who continuously goes above and beyond to protect the ability for cities to establish their own form of government, enact ordinances, codes, plans and resolutions without prior State approval; thereby protecting municipalities' right to local self-government. Mr. Jimenez truly embodies a Home Rule Hero. During the 2014 Legislative Session, he worked closely with the members of the Florida League, Casey Cook, on vacation rental issues and with the proposed e-cigarette legislation. She thanked Mr. Jimenez and congratulated him.

Commissioner Weithorn recognized Assistant City Manager Jimenez and added that he will also be recognized at the Florida League of Cities meeting in August.

5:28:29 p.m.**10:49:41 a.m. (DCR time)**

PA2 Certificate Of Recognition To Captain Mark Causey To Recognize That Within 24 Hours He Was Able To Coordinate And Ensure A Safe And Enjoyable Experience For The Community During The FIFA World Cup Final At The Bandshell In North Beach.
(Requested by Commissioner Deede Weithorn)

ACTION: Certificate of Recognition presented.

Commissioner Weithorn stated that she is recognizing Police Captain Causey. She explained that the City held a World Cup event at the Bandshell, and there were over 2,000 people in attendance. What most people do not realize is that Captain Causey set this event up within two days, and she thanked him for his efforts and for the event's success. The Mobile Command Center and Fire Rescue teams were at hand, the Fire Chief was also there, and it was planned as if the event was known for months. She thanked Captain Causey on behalf of North Beach and for making the City proud.

Captain Causey stated that they had 36 hours to put this event together and it is a perfect example of inter-departmental relations. Some of the departments involved were the Fire, Fire Rescue, Parking, Police and Sanitation Departments. He also recognized Max Sklar, Director of Tourism, Culture and Economic Development Department.

5:32:52: p.m.

10:53:11 a.m. (DCR time)

PA3 Certificate Of Recognition To The GAP Flagship Store To Welcome Them To Their New Location On Lincoln Road.

(Requested by Commissioner Deede Weithorn)

ACTION: Certificate of Recognition presented.

Commissioner Weithorn introduced the item, and stated that the GAP is a story of how you can take a building, change it and make it contextual to our City. She was impressed while visiting the store on how well it turned out. She acknowledged the hard work that took place, and welcomed the GAP to the neighborhood.

Michael Murillo, Senior Store Manager, thanked the City Commission's approval, and proceeded to state how GAP is an iconic American company, which is supportive of its community.

5:35:21 p.m.

10:55:41 a.m. (DCR time)

New Item:

PA4 Medal/Rachel Gologorski, Winning North American Youth Chess Championship.

(Requested by Mayor Philip Levine)

ACTION: Item deferred to the September 17, 2014 Commission Meeting. Lilia to place on the September 17, 2014 Commission Agenda if received.

5:35:52 p.m.

10:56:07 a.m. (DCR time)

New Item:

PA5 Certificates Of Recognition/Miami Beach 2014 Special Olympics Team members.

(Requested by Mayor Philip Levine)

ACTION: Certificates presented.

Mayor Levine called out the recipients names and congratulated the following Special Olympians, and Counselor Coach:

- Jose Trevino – Gold Medal in Soccer
- Brian Cropp – Bronze Medal in Soccer
- Raymond Bogoto – Fifth Place in Soccer
- Clarice Geller – Bronze Medal in Tennis
- Jose Polo – Counselor Coach

SEPARATED ITEMS:

C7D by Vice-Mayor Grieco

Handouts and Reference Materials:

1. Separated Items list

ADDENDUM MATERIAL 1:
C4A

ADDENDUM MATERIAL 2:
C7H, C7I and R9E

ADDENDUM MATERIAL 3:
C4B, C4C, C7J, R9F and R9G

SUPPLEMENTAL MATERIAL 1:
C7C Memorandum & Resolution
R2A Memorandum

SUPPLEMENTAL MATERIAL 2:
C2A Memorandum
C2B Memorandum

ADDENDUM AGENDA

5:39:10 p.m.

10:59:29 a.m. (DCR time)

ACTION: Motion made by Commissioner Weithorn to add items C4A, C4B, C4C, C7H, C7I, C7J, R9E, R9F and R9G to the Commission Agenda; seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Commissioner Wolfson.

Rafael E. Granado, City Clerk, announced that item R7B has been deferred.

CONSENT AGENDA

5:41:04 p.m.

11:01:22 a.m. (DCR time)

ACTION: Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the Consent Agenda, excluding separated item C7D; Voice-vote: 6-0; Absent: Commissioner Wolfson.

C2 - Competitive Bid Reports

SUPPLEMENTAL MATERIAL 2 - Memorandum

C2A Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2014-316-JR For General Building Contractor Rehabilitation Services And Request For Proposals (RFP) No. 2014-325-JR For Program Management Services Relating To General Building Contractor Rehabilitation Services Program.
(Community Development/Procurement)

ACTION: Request approved. **Maria Ruiz and Alex Denis to handle.**

SUPPLEMENTAL MATERIAL 2 - Memorandum

- C2B Request For Approval To Issue An Invitation To Negotiate (ITN) For Concession Agreement For The Use Of Miami Beach Rights-Of-Way For Docking And Passenger Loading/Unloading By Public Waterborne Transportation Operators.
(Transportation/Procurement)

ACTION: Request approved. **Jose Gonzalez and Alex Denis to handle.**

C4 – Commission Committee Referrals**ADDENDUM MATERIAL 1:**

- C4A Referral To The Finance And Citywide Projects Committee To Discuss The Management Agreement With SP Plus Municipal Services, A Division Of Standard Parking Corporation, For Parking Attendants, Specifically: (1) Not Exercising The City's Option To Renew The Agreement; (2) Extending The Agreement On A Month-To-Month Basis; And (3) Issuing A New RFP For Parking Attendants For The City's Parking Garages.
(Requested by Commissioner Jonah Wolfson)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

ADDENDUM MATERIAL 3:

- C4B Referral To The Land Use And Development Committee - Discussion Regarding How To Mitigate The Impact Of The Loading Zone Ordinance On Available Washington Avenue Parking.
(Requested by Commissioner Joy Malakoff)

ACTION: Item referred. Thomas Mooney to place on the committee agenda. **Saul Frances to handle.**

ADDENDUM MATERIAL 3:

- C4C Referral To A Joint Meeting Of The Neighborhood/Community Affairs Committee And Finance And Citywide Projects Committee - Discussion Regarding The Future Location Of 21st Street Teen Center In The Vicinity Of Miami Beach Senior High School.
(Requested by Commissioner Joy Malakoff)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **John Rebar to handle.**

C6 - Commission Committee Reports

C6A Report Of The Finance And Citywide Projects Committee Meeting Of July 16, 2014: **1)** General Fund CSL Update And Proposed Millage Rate. **2)** Review Of Proposed Capital Budget. **3)** Sunset 1 & 2 Guardhouse. **4)** Proposed Uses Of Law Enforcement Trust Funds.

1) General Fund CSL Update And Proposed Millage Rate.

The Committee recommended Administration set the Fiscal Year 2014/15 proposed millage at 6.0929, which represents a slight decrease from the Fiscal Year 2013/14 adopted millage rate of 6.1163 due to the decrease in the debt service portion of the millage rate. Per the TRIM guidelines discussed above, the proposed rate could remain the same or be decreased later in the budget process once the Commission has assessed other proposed enhancements and efficiencies to the Fiscal Year 2014/15 budget.

2) Review Of Proposed Capital Budget.

ACTION: The Committee motioned to accept the proposed Capital Budget with the following amendments:

- Add funding for three projects in Renewal & Replacement from the R&R Contingency: Historic City Hall HVAC Ductwork Gleaning (\$30,000), Police Station HVAC Ductwork Cleaning (\$30,000), North Shore Youth Center HVAC Ductwork Cleaning (\$30,000).
- Move two projects from Pay-As-You-Go funding to Quality of Life-North Beach funding: Byron Carlyle Renovation (\$145,000) and Allison Park Redesign (\$235,000)
- Add two projects to be funded from Pay-As-You-Go funds: Muss Park (\$200,000) and Sunset 1&2 Guardhouse (\$200,000).
- Carve out funding from the FY 2015 Sidewalk Repairs Program for a Sidewalk Assessment project-cost to be determined by Public Works.
- Add \$50,000 to the South Pointe Drive Median Planters project.

The Committee motioned to memorialize that former South Pointe RDA Capital funds that may be spent outside the former RDA per the pending agreement with the County should be used exclusively for stormwater and sea level rise projects.

The Committee directed the Budget Advisory Committee to bring back a proposal for dedicated Seawall funding similar to the Renewal & Replacement millage rate.

3) Sunset 1 & 2 Guardhouse.

ACTION: The Committee recommended funding \$200,000 for this project in Fiscal Year 2015 from Pay-as-you-go funds.

4. Proposed Uses of Law Enforcement Trust Funds

ACTION: The Committee recommended accepting the proposed Confiscation Budget for the Fiscal Year 2014/15 uses of Law Enforcement Trust Funds.

C6B Report Of The Special Finance And Citywide Projects Committee Meeting Of July 18, 2014: **1)** Discussion Regarding Financial Impact Of The Proposed Roadway Closure Applications For 87 Street And 87 Terrace Filed By 8701 Collins Development. **2)** Discussion Regarding The Greater Miami Convention And Visitors Bureau Interlocal Agreement. **3)** Discussion Regarding Adoption Of An Updated Strategic Plan For The Cultural Affairs Program, To Include Utilization Of Fillmore Community Benefit Fund, Cultural Arts Council Endowment, And Cultural Affairs Program Fund Balance Funds For Greater Cultural Benefits For Residents And Visitors. **4)** Discussion Regarding A Resolution Rescinding The Prior Action Taken By The City Commission On June 6, 2012, Pursuant To Resolution No. 2012-27917, Which Accepted The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 27-11/12, For Disaster Recovery Services And Which Authorized The Administration To Enter Into Negotiations With The Top Ranked Firms Of Ceres Environmental Services, Inc., Asbritt, Inc., Tag Grinding Services, Inc. Byrd Brothers Environmental Services, Inc., D&J Enterprises, Inc. And Phillips And Jordan, Inc. And To Execute Agreements Upon The Conclusion Of Successful Negotiations By The Administration With Ashbriitt, Inc. As The Primary Firm; And Further Rejecting All Proposals Received Resulting From RFP No. 27-11/12. **5)** Discussion Regarding Referral To The Finance And Citywide Projects Committee To Discuss The Schedule Of User Fees For Various Parks And Recreation Programs And Services, Facility Admissions And Rentals. **6)** Discussion Regarding The Purchase And Sale Agreement For 226-87th Terrace To Permit The Development Of A Parking Garage To Include At Least 100 Public Parking Spaces.

1) Discussion Regarding Financial Impact Of The Proposed Roadway Closure Applications For 87 Street And 87 Terrace Filed By 8701 Collins Development.

The Committee moved to continue the discussion of this item at the July 30, 2014 Commission meeting with no recommendation.

2) Discussion Regarding The Greater Miami Convention And Visitors Bureau Interlocal Agreement.

The Committee recommended moving this item to the August 13, 2014 Budget meeting and then finalized at the September 10, 2014 Commission meeting with no recommendation.

3) Discussion Regarding Adoption Of An Updated Strategic Plan For The Cultural Affairs Program.

The Committee recommended that the CAC Endowment use be scaled back to one event (Sleepless Night) and brought to the Budget Committee meeting on August 15, 2014.

The Committee recommended that Administration cap the Fund Balance at its current level of \$2,640,184 to include an increase for inflation. If necessary, these funds could adequately cover the expenses of the Cultural Affairs Program for two years. Funds remaining at the end of each Fiscal Year will be added to the GAC's grants budget for the following Fiscal Year. The Committee recommended the addition of a new community Benefit Fund Grant requirement that all future rent waiver recipients be required to offer free or discounted tickets to Miami Beach residents. Also, to increase the number of annual rental fee waivers from 12 to 24. The additional grants (12 annually), will be specifically for live theater in the City. The Community Benefit Fund Grant when used at the Fillmore "backstage" would require grantees to offer tickets at \$19, including all house and Ticketmaster surcharges.

4) Resolution Rescinding The Prior Action Taken By The City Commission On June 6, 2012, Pursuant To Resolution No. 2012-27917, Which Accepted The Recommendation Of The City Manager Pertaining To The (RFP) No. 27-11/12.

The Committee recommended moving forward with the execution of contracts with Ceres Environmental Services, Inc., Ashbritt, Inc., Tag Grinding Services, Inc., D&J Enterprises, Inc., and Phillips and Jordan, Inc. to provide disaster recovery services in the event of a declared emergency that is of the magnitude to utilize said professional services.

5) Referral To The Finance And Citywide Projects Committee To Discuss The Schedule Of User Fees For Various Parks And Recreation Programs And Services, Facility Admissions And Rentals.

The Committee recommended moving this item to the August 13, 2014 Budget meeting with no recommendation.

6) Discussion Regarding The Purchase And Sale Agreement For 226-87th Terrace To Permit The Development Of A Parking Garage To Include At Least 100 Public Parking Spaces.

The Committee moved to continue the discussion of this item at the July 30, 2014 Commission meeting with no recommendation.

C7 - Resolutions

C7A A Resolution Exempting Sidewalk Cafés Located North Of 63rd Street With An Application Date Between October 26, 2013 And September 30, 2015 From The Concurrency Requirements Of Chapter 122 Of The City Code.

(City Manager's Office)

ACTION: Resolution 2014-28696 adopted. Tom Mooney to handle.

C7B A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its July 25, 2014 Meeting And Adopting The Selected Water Feature Concept For The Replacement Of The Existing, Inoperable Water Feature At The Washington Avenue Entry Of South Pointe Park.

(Capital Improvement Projects)

ACTION: Resolution 2014-28697 adopted. David Martinez to handle.

SUPPLEMENTAL MATERIAL 1 – Memorandum & Resolution

C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Settlement Agreement And Mutual Release Between The City Of Miami Beach (City) And Coastland Construction, Inc. (Contractor) In The Amount Of \$50,274.02 To Settle All Outstanding Claims Pertaining To The Biscayne Bay 10th Street Bayfront Street End Seawall And Waterway Access Enhancement Project And The PWD Yard Office Project.

(Capital Improvement Projects/Public Works/The Office of the City Attorney)

ACTION: Resolution 2014-28698 adopted. David Martinez, Eric Carpenter and the Office of the City Attorney to handle.

5:42:41 p.m.

11:02:45 a.m. (DCR time)

C7D A Resolution Approving The Recommendation From The Florida Department Of Transportation (FDOT), To Place Landscape Material In Medians At Certain Locations, As Part Of The State Road 907/Alton Road Project From 5th Street To Michigan Avenue.
(Public Works)

ACTION: Item separated for discussion by Vice-Mayor Grieco. Resolution 2014-28699 adopted. Motion made by Vice-Mayor Grieco; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Wolfson. **Eric Carpenter to handle.**

Vice-Mayor Grieco is in support of this item and he recognized former Commissioner Liebman for bringing this to their attention. If the item is kept in Consent Agenda there will be no resolution drafted on this. However, there is a budget item that can be capped at \$250,000, but the City needs to contribute in order to allow this to go through. They need to vote on this item and add the approval of that budget amendment. There is no resolution drafted and if this is not done this way, it would have to come back in September.

Jimmy L. Morales, City Manager, stated that they have identified some of the funding, and he thinks there would be a 10% budget amendment or it can be incorporated into the budget that is to be adopted in September.

Eric Carpenter, Public Works Department Director, explained that they have an existing (Joint Participation Agreement) JPA with the State for the construction of the utilities on Alton Road. They have amended the JPA on two occasions, and they do believe that there will be funds left over from that JPA, but will know when they get to the end of the utility part of the construction in the next few months.

Vice-Mayor Grieco added that he is trying to avoid a delay in the project due to the City Commission inaction or oversight.

Commissioner Weithorn does not think this can be done, since they have an identified funding, but suggested that they direct staff to come back to the City Commission with an answer and begin the process with the funds identified, but she cannot vote for an item not knowing where the funds are coming from. She suggested directing staff to find sources.

Discussion held.

Eric Carpenter, Public Works Department Director, explained that the resolution on this item is purely related to the landscape medians on Alton Road and has nothing to do with asphalt crosswalk. This is something that is coming up for discussion. The median work will be done at the end of the process.

Discussion continued.

Jimmy L. Morales, City Manager, explained that they would identify the funding in the September budget well in advance.

Motion made by Vice-Mayor Grieco; seconded by Commissioner Steinberg; Voice-vote 6-0; Absent; Wolfson. Voice vote: 6-0.

- C7E A Resolution Authorizing The City Manager To Approve The Phase III Work Order For The Normandy Shores Fountain Project Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract For Construction Services With The Gordian Group.
(Public Works)

ACTION: Resolution 2014-28700 adopted. Eric Carpenter to handle.

- C7F A Resolution Approving The Extension Of Hours For Certain Alcoholic Beverage Establishments With A 5:00 A.M. Liquor License, Under Certain Specified Conditions Pursuant To Chapter 6 Of The City Code, For Winter Party 2015 (March 6, 7, 2015) As Recommended By The Gay, Lesbian, Bisexual, And Transgender (GLBT) Business Enhancement Committee.
(Requested by Commissioner Micky Steinberg)
(Legislative Tracking: The Office of the City Attorney)

ACTION: Resolution 2014-28701 adopted. Max Sklar to handle.

- C7G A Resolution Urging The Florida Legislature To Enact Legislation To Criminalize The Nonconsensual Disclosure Of Sexually Explicit Images.
(Requested By Vice-Mayor Michael Grieco)
(Continued from July 23, 2014)

ACTION: Resolution 2014-28702 adopted. City Clerk's Office to Transmit to the South Florida Delegation of the Florida Legislature.

ADDENDUM MATERIAL 2:

- C7H A Resolution Urging The Federal Trade Commission To Review Pending Legislation Before The Miami-Dade County Board Of County Commissioners Regarding The Regulation Of Transportation Network Entities And To Provide Its Comments Thereon With Regard To Fair Competition And Consumer Protection.
(Requested by Mayor Philip Levine)
(Legislative Tracking: The Office of the City Attorney)

ACTION: Resolution 2014-28703 adopted. City Clerk's Office to transmit to the Federal Trade Commission.

ADDENDUM MATERIAL 2:

- C7I Resolution Urging All Businesses And Restaurants In The City Of Miami Beach, That Are Not Otherwise Subject To The Provisions In Ordinance No. 2014-3884, To Voluntarily Discontinue The Use And Sale Of Expanded Polystyrene Food Service Articles.
(Requested by Vice-Mayor Michael Grieco)

ACTION: Resolution 2014-28704 adopted. Elizabeth Wheaton to handle.

City Clerk's Note: See e-mail from Elizabeth Wheaton, dated August 6, 2014, entitled "Voluntary Discontinue The Use And Sale of Expanded Polystyrene Food Service Article." Pending from Ms. Wheaton: Action Plan.

ADDENDUM MATERIAL 3:

C7J A Resolution Approving The Extension Of Hours For Certain Alcoholic Beverage Establishments With A 5:00 a.m. Liquor License, Under Certain Specified Conditions Pursuant To Chapter 6 Of The City Code, For Gay Pride Weekend 2015 (April 10 And 11, 2015) As Recommended By The Gay, Lesbian, Bisexual, And Transgender (GLBT) Business Enhancement Committee.

(Requested by Commissioner Micky Steinberg)

ACTION: Resolution 2014-28705 adopted. Max Sklar to handle.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

5:48:47 p.m.

11:09:04 a.m. (DCR time)

SUPPLEMENTAL MATERIAL 1 - Memorandum

R2A Request Approval To Issue A Request For Proposals (RFP) No. 2014-278-ME For Owners Representative Services For The Miami Beach Convention Center Renovation And Expansion Project.

(City Manager's Office/Procurement)

ACTION: Request Approved. Item heard in conjunction with item R2B. **Maria Hernandez and Alex Denis to handle.**

Motion 1 (Item R2A):

Motion made by Commissioner Weithorn to approve the issuance of a Request For Proposals (RFP), No. 2014-278-ME, for owners representative services for the Miami Beach Convention Center renovation and expansion project, without changes, and perhaps tweak in the future if necessary; seconded by Commissioner Tobin. Voice vote: 6-0; Absent: Commissioner Wolfson.

Final Motion 2 (Item R2B):

Motion made by Commissioner Weithorn to approve the issuance of a Request For Proposals (RFP), No. 2014-278-ME, for owner's representative services for the Miami Beach Convention Center renovation and expansion project, with the following amendments: 1) Additional language referring to the aspirational inclusion of a Miami Beach and Miami-Dade County workforce; and 2) Removal of the scoring component for Phase 2 of the RFP, at a later date send out an Addendum on the scoring on Phase II; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson.

Jimmy L. Morales, City Manager, announced that he first brought Maria Hernandez from CIP as the City Manager's Capital Projects Advisor; however, due to the scope and enormity of Convention Center project going forward, City Manager Morales has asked Maria Hernandez to be the Convention Center Capital Projects Director. Thais Vieira will be joining the team as Project Manager.

Maria Hernandez, Special Projects Coordinator, made a [PowerPoint presentation](#).

Jeff Sachs, Strategic Group, explained that the action today is for approval of two RFP's related to the Miami Beach Convention Center Renovation and Expansion Project: 1) for owner's representative services; and 2) for design builder services.

- **OWNER'S REPRESENTATIVE SERVICES**

The owner's representative job is to monitor the design/builders to ensure that the City gets what it purchases. It will be a \$500 plus million contract and they need staff on the site to ensure the City is getting what they paid for. There are minimum qualifications, including that the owner's representatives must have completed at least three similar projects of \$100 million or more in ten years, and they want the Project Manager from large firms, local and/or national. The selection criteria when proposals are back will be 30 points out of 100 for cost; 70 points on the qualitative material, team experience, their approach and staffing. This proposal will go out immediately if approved today; it will be due September 5, 2014 and back to the City Commission for selection on October 22, 2014.

- **DESIGN BUILDER SERVICES**

The design builder RFP process is in two phases. Phase I is the qualification process. Under the State law, they have to short list no fewer than three. This piece is due September 19 and the goal is have the Commission approve the short list and who will go into the pricing phase by November 19, give them 30 days advance of the completion of design criteria package, which is scheduled to come back for approval in December. They will have until February 28 to give the guaranteed maximum price on a date certain dealing with the events. They need time to do a technical review and they will be asking for approval by mid-April. The minimum qualifications required is finding somebody that has done big design/build projects, which are unique and control part of the design, not just a simple construction contract. They are looking for someone who has done convention center projects and that have done at least two convention center projects of at least 250,000 square feet of exhibition space. In addition, they want the Project Manager to have done a big project and a convention center. They have minimum criteria for the Convention Center architect, including that they must have their own design team who will have an architect that will take the City's 30% design and do all of the construction documents. They also want the firm to have at least two convention center qualifications.

In Phase I, the most points that they have allocated is for someone that has demonstrated their experience and their plan for maintaining a facility open while they are doing construction, keeping it in operation. This ideally will be convention centers, but hotels are renovated and stay in operation; their financial capability, the convention center designers, landscape, etc. Phase II, after the pre-qualification period, is focused on schedule and price; they weighed the criteria for that because they need someone that will meet the schedule and get them out in two years. The goal is to work between Art Basel events. They also plan to have liquidated damages built into the contract. They will be drafting a complete contract before they send out Phase II. The bottom line is that we pre-qualify them, give them our design and see who can build the design better, less expensive and faster.

Discussion held regarding the meaning of "forms" on the selection criteria. Mr. Sachs explained that points will be awarded based on the responses given on the forms, not on whether or not the forms are completed.

Commissioner Weithorn suggested that they may want to make some changes to the criteria, and offered some options, which can either be done by LTC, refer to the NCAC by the end of this month for discussion, or they can take it to the September 10, 2014 Commission Meeting. There was consensus to do this via LTC.

Commissioner Tobin explained that they have spent hours behind the scenes with PowerPoints and experts, so the fact that they had the opportunity to do that alleviates the necessity for further discussion and he thanked Maria Hernandez for that.

Commissioner Steinberg added that they have a great opportunity with the construction jobs, which are estimated in the thousands for the renovation of this Miami Beach Convention Center, to add an aspirational inclusion of a Miami Beach and Miami-Dade County workforce -- they owe it to the City and the residents to ensure language in the RFP provides for local jobs. She spoke about such a provision with the Office of the City Attorney, and they have drafted language on her behalf.

Raul J. Aguila, City Attorney, drafted language that was distributed on the dais, which encompasses Commissioner Steinberg's proposed language. Mr. Aguila explained that the important thing about the language is that 1) it is aspirational, not a requirement upon the design builder, but something they should aspire to, and basically what it would require them to aspire to is to get at least 50% of their workforce from Miami-Dade County with 20% of that 50% preferably from Miami Beach within the two zip codes in Miami Beach that have the highest levels of poverty. They do not have to identify those zip codes right now, but the division of Housing & Community Development will identify those zip codes at a future date. Again, the important thing in the language is that is not a mandatory requirement but an aspirational requirement. **Maria Ruiz to provide zip codes.**

Mr. Sachs explained that he is uncomfortable in laying out those numbers and he would rather let the design/builders give them their approach to maximizing the local employment and their goals. He appreciates that they are aspirational, but when you put such a requirement in the RFP, the proposers do not think "aspirational" and so they are going to price their projects accordingly, and that is what worries him. He is not sure if they have that many jobs locally in Miami Beach that are construction type jobs.

Discussion continued.

Commissioner Malakoff suggested adding language that reads, "Maximize local employment wherever possible."

Commissioner Steinberg requested a monthly LTC with an update on the progress and how many jobs have been provided locally. **Maria Hernandez and Maria Ruiz to handle.**

Mr. Sachs stated that he would like to work with the language.

Commissioner Tobin added that as long as this is aspirational he is fine with it. Commissioner Tobin explained that the Commission tried to do local preference for the past six years and last month the City Commission repealed it because they found that it was very difficult in many ways.

Discussion held.

Commissioner Weithorn moved the item.

Motion 1:

Motion made by Commissioner Weithorn to approve the issuance of a Request For Proposals (RFP), No. 2014-278-ME, for owners representative services for the Miami Beach Convention Center renovation and expansion project, without changes, and perhaps tweak in the future if necessary; seconded by Commissioner Tobin. Voice vote: 6-0; Absent: Commissioner Wolfson.

Commissioner Weithorn stated that she thinks there is a policy question to be decided. The points for Phase I and the point for Phase II are very different. She explained that once they short list firms, and everybody is equally qualified, there are no carry over points. Her concern is how they weigh rankings. It is not until they get to Phase II that she thinks it matters a lot, and that is the reason she is suggesting to modify Phase II - it will not delay what they are doing here. They have plenty of time on her particular issue, which is Phase II.

Motion 2:

Motion made by Commissioner Weithorn to move the design/build Phases I and II as discussed with changes to be done via LTC, adding Commissioner Steinberg's suggestion about aspirational language to hire locals, and perhaps amend the language on the scoring if necessary.

Discussion continued.

Jimmy L. Morales, City Manager, stated that they would bring Phase II back in September 10, 2014 to the City Commission.

Motion 2 clarified:

Commissioner Weithorn moved the item with the clarification that any changes in the scoring of points are only related to Phase II and not to Phase I, so as not to delay it; bring it back to City Commission for final approval, and send the data via LTC for review.

Mr. Sachs asked if the City Commission action is to eliminate the scoring in Phase II and have that issued as an addendum.

Raul J. Aguila, City Attorney, explained that they could modify the RFP by eliminating the scoring in Phase II and have it come back via addendum.

Motion 2 amended:

Commissioner Weithorn amended her motion to included going forward with the criteria in Phase I as is, and at a later day send out an Addendum on the scoring on Phase II.

Final Motion 2:

Motion made by Commissioner Weithorn to approve the issuance of a Request For Proposals (RFP), No. 2014-278-ME, for owner's representative services for the Miami Beach Convention Center renovation and expansion project, with the following amendments: 1) Additional language referring to the aspirational inclusion of a Miami Beach and Miami-Dade County workforce; and 2) Removal of the scoring component for Phase 2 of the RFP, at a later date send out an Addendum on the scoring on Phase II; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson.

Commissioner Tobin asked if the City Manager could tell the City Commission and the public how they put together the selection committees for this, because they are talking about hundreds of millions of taxpayers' dollars. How do they put selection committees together; who evaluates who gets the big job?

Jimmy L. Morales, City Manager, stated that they usually do a balance of residents, some City employees, members of staff that are experts, and sometimes folks from outside the community - outside Miami Beach, who have particular expertise. For example, with the architect design team selection process, they had Howard Herring from the New World Symphony and other experts and locals; he tries to put together different folks that have experience with the issues they are asking them to evaluate.

Discussion continued.

Mayor Levine stated that they will have highly talented people because this is a very intricate project.

Commissioner Weithorn stated that they have discussed three very important pieces: the parking, the owner's representatives and the design build, but she would like an update on the hotel.

Jimmy L. Morales, City Manager, explained that they have not progressed any further on the hotel. They have focused on the two items before the Commission today, which are two significant items. They are on schedule. When they looked at a hotel site, they talked about probably picking that up again on an expedited basis either later this year or at the beginning of next year, when the Convention Center is moving. They also have continued to work extensively since the Special Meeting with the County on the RDA extension. He announced that they might need to have a Special Commission Meeting either the second or the third week of August, because they have to approve the RDA amendment in one reading, before they send it to the County for first and second reading. The Office of the City Attorney and County representatives are working together to get the agreement finalized.

Discussion held.

Mayor Levine asked Jeff Sachs how important is it for the hotel component to demonstrate that the City is moving forward on the project. For instance, knowing that the City has selected a design/build firm. Will that increase the value of the hotel site? Is it beneficial to a hotel developer to know what is being built? Does the value of the land next to the Convention Center, which will be used as the hotel site, increase because there is no uncertainty as to what will be built as part of the Convention Center renovation project?

Mr. Sachs stated that the overall plan is to try to have the hotel and the Convention Center open at the same time. It takes less time to build the hotel than the Convention Center. The plan behind the scenes is to send out the hotel RFP in January or February, so they do not have all these procurements on top of each other. Additionally, when you include in the timeline when the referendum needs to occur, it all works out. Again, the goal is to hit the streets in January with the hotel RFP, and not spend time on it while they are hiring the design builder. That is the broad plan. Mr. Sachs notified the Commission that if they need the Administration to accelerate it, they can. However, he recommends waiting until winter.

Discussion continued.

Commissioner Weithorn asked for a tentative timeframe for the hotel. **Maria Hernandez to handle.**

Mr. Sachs committed to have the timeframe ready by September.

Jimmy L. Morales, City Manager, asked for dates to schedule a Special Commission Meeting in August to discuss the RDA amendment.

Discussion held regarding scheduling a Special August Commission meeting.

Raul J. Aguila, City Attorney, clarified that in the event a member of the City Commission needs to appear at the Special August Commission meeting via video conferencing, there still has to be at least four elected officials physically present.

Commissioner Weithorn suggested that the Mayor and each Commissioner submit their agendas for the month of August to the City Manager, to try to schedule a meeting. **Marcia Monserrat to handle.**

Raul J. Aguila, City Attorney, wanted to make sure that it was understood that concerning the selection criteria for Phase II that they need to develop it before the bid opening date for Phase I, because they can only issue addendums up to the bid opening date, which is September 19. The Phase II Item is to be placed at the September 10, 2014 Commission Agenda. **Maria Hernandez and Alex Denis to handle. Lilia Cardillo to place on the Commission Agenda if received.**

R2B Request Approval To Issue A Request For Proposals (RFP) No. 2014-294-ME For Design Builder Services For The Miami Beach Convention Center Renovation And Expansion.
(City Manager's Office/Procurement)

ACTION: Request approved as amended. Item heard in conjunction with item R2A. See action in item R2A. **Maria Hernandez and Alex Denis to handle.**

R7 - Resolutions

5:41:24 p.m.

11:01:42 a.m. (DCR time)

R7A A Resolution Adopting The Sixth Amendment To The Capital Budget For Fiscal Year (FY) 2013/14. **5:25 p.m. Public Hearing**
(Budget & Performance Improvement)

ACTION: Public Hearing held. Resolution 2014-28706 adopted. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Grieco. Voice vote: 6-0; Absent: Commissioner Wolfson. **John Woodruff to handle.**

Michael Howard, Budget Officer, explained that this item is the Sixth Amendment to the Fiscal Year 2014 Capital Budget plan, which increases the budget by \$6,193,000 million and then realigns \$711,000 of funds between existing projects.

Jimmy L. Morales, City Manager, stated that a big portion of funds has to do with the Munis Energov IT Project, trying to improve the processes and systems implementation.

No further discussion was held.

Handouts or Reference Materials:

1. Ad 916 published in The Miami Herald Neighbors Page 32NE

Prepared by the City of Miami Beach – City Clerk's Office

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12:06:15 p.m. (DCR time)

R7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals No. 2014-051-SR, For Design/Build Services For Neighborhood No. 8: Sunset Islands 3 & 4 Right-Of-Way Infrastructure Improvements (The RFP); Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, RIC-Man International, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing The Administration To Enter Into Negotiations With The Second Ranked Proposer, David Mancini & Sons, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing The Administration To Enter Into Negotiations With The Third Ranked Proposer, Central Florida Equipment Rentals, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Third-Ranked Proposer, Authorizing The Administration To Issue A New RFP; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Capital Improvement Projects/Procurement)

ACTION: Item deferred.

6:45 p.m.**12:05:48 p.m. (DCR time)**

R7C A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee, And Approving And Authorizing The Mayor And City Clerk To Execute Contracts With Tyler Technologies, Inc., In Connection With The Replacement Of The City's Current Enterprise Resource Planning (ERP) System, Known As Eden, With Munis ERP; And The Replacement Of The City's Current Permitting/Licensing Systems, Known As Permits Plus, With Energov; And To Further Execute A Contract With EMA, Inc. For A Business Process Review, As Well As Project Management Services, Related To The Implementation Of The Munis ERP And ENERGOV Replacement Systems; For A Total Project Amount Not To Exceed \$7,200,000.
(City Manager's Office)

ACTION: Resolution 2014-28707 adopted. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco. Voice vote: 6-0; Absent: Commissioner Wolfson. **Ariel Sosa to handle.**

No discussion held.

6:46:32 p.m.

12:06:23 p.m.

R7D A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 1 (Amendment) To The Contract Between The City And Limousines Of South Florida, Inc., Executed As Of May 8, 2014, For Turnkey Trolley Operations And Maintenance Services; Said Amendment Approving An Increase In The Contract Price, In An Amount Not To Exceed \$150,000, In Connection With The Acquisition And Maintenance Of Optional Equipment, Including Automatic Passenger Counters, Automated Voice Information Systems, Wi-Fi Services, GPS Tracking Services, And Additional Automated Stop Announcement Equipment (With The Capability Of Displaying Public Advertisements) During The Initial Five (5) Year Term Of The Contract.

(Transportation/The Office of the City Attorney)

ACTION: Resolution 2014-28708 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson. **Jose Gonzalez and City Attorney's Office to handle.**

Jose Gonzalez, Transportation and Concurrency Manager, stated that the item would allow the Administration to purchase optional equipment related to Wi-Fi, GPS and other tracking services for the North Beach trolley.

No further discussion was held.

6:47:19 p.m.

12:07:08 p.m.

R7E A Resolution Calling For An November 4, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Charter Section 1.03 Governing "Powers Of City" Should Be Amended To Require Approval By 4/7 Vote Of Members Of Planning Board And 6/7 Vote Of City Commission Prior To City Entering Into Any Management Or Concession Agreement With A Private Party For 10 Years Or Longer (Including Option Periods) For The Management, Operation And/Or Use Of City Property (Including Public Beaches) Or A City-Owned Facility, Exempting Therefrom City Agreements With Federal, State Or Local Governmental Entities.

(Requested by Commissioner Edward L. Tobin)

(Legislative Tracking: The Office of the City Attorney)

ACTION: Resolution 2014-28709 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson. **The Office of the City Attorney and Rafael E. Granado to handle.**

Commissioner Tobin explained that this item would close the loophole that they all agreed at the last meeting needed addressing. This provision will significantly tighten language, so before the City enters into agreements with City properties that is 10 years or longer, it will require a super majority vote.

Raul J. Aguila, City Manager, stated that Commissioner Tobin withdraw the fair market value question and substituted it with the current language.

R9 - New Business and Commission Requests

R9A Update On The Miami Beach Convention Center Project.
(City Manager's Office)

ACTION: Update given. See action with R2A.

6:48:25 p.m.

12:08:27 p.m.

R9B Presentation On Transportation Initiatives.
(Transportation)

ACTION: [PowerPoint presentation shown.](#)

Jose Gonzalez, Transportation Department Director, stated that based on surveys, transportation is critical for residents and businesses, and they often hear from visitors as well. He explained the different methods in which they measure traffic flow, which is qualitatively through levels of service or LOS. The City's minimum level of service standard is D, and there is a Level of service E and F. Level of service F is essentially failing, and if they look at the primary arterials and collector roadways at a corridor level, they see that many of them are failing: MacArthur Causeway, Alton Road, West Avenue, and 41st Street, portions of Collins Avenue both in South and North Beach. This is daily level of service at a corridor level. The problem is further exacerbated during the high impact periods. The action taken to address this problem is actively monitoring and managing traffic during special events. Beginning as a pilot project during Art Basel 2013, they have been deploying cameras, Bluetooth devices and variable message signs throughout the City to actively monitor and manage traffic during the high impact periods; they then provide real-time traffic information through variable message signs and Social Media. They continue to do so during the upcoming high impact period. Using this technology, they were able to realize between 7% to 230% travel time reductions. The 230% corresponds to northbound Alton Road from 17th Street to Michigan Avenue, when they compare travel time during special events when monitoring and managing traffic during special events. When there were not monitoring and traffic services, they realized that there was 230% reduction in travel time. For the southbound, it was 59%. This technology was accessible at the Convention Center during Memorial Day Weekend. They would like to take this technology to the next level, that being intelligent transportation services. They recently applied for a USDOT TIGER (Transportation Investment Generating Economic Recovery) Grant, a federal grant for an ITS (Intelligent Transportation System) Project, Phase I, which would apply ITS technologies from 41st Street south. ITS uses some of the basic principles that they have been deploying through traffic management and monitoring, but the key ingredient is the real-time technology. It allows for signals, for example, to react and constantly adjust depending on real time traffic demand, and that is on a 24/7 basis. The technology they are exploring to use, as part of the ITS project, is adaptive signal control; it is a state of the art technology currently being studied as part of a FDOT pilot project. While they are hopeful that they will be awarded, at least a portion of those TIGER funds, they have identified a project of a lesser scope that will allow them to implement ITS technology at a more strategically at 52 intersections from 41st Street south, so 52 intersections is the scope of the reduced project. The ITS project would encompass about twice that, 103 intersections. In transportation there is

not one project that is a silver bullet, so one thing they are doing is pursuing a variety of projects for connectivity among the modes. The projects seen before are the North Beach trolley, which will launch in a year; the Transportation Master Plan, which kicked off this month; the Water Taxi, which was on today's agenda, and the Beach Corridor Study, which is looking at rail connection between the mainland and Miami Beach, and in particular the new Convention Center. Because this project really merits its own presentation, what they hope to do for the September Commission meeting is to invite the Metropolitan Planning Organization (MPO) and consultant team that is spearheading this project so they give a presentation specifically for this project.

Discussion held.

Commissioner Tobin asked that assuming they are granted a TIGER Grant, what is being proposed for \$4.5 million? Are there overlaps with the cameras? He thinks what the grant and cameras will do is support the police initiative, but some of the security stuff will involve other cameras and other locations and they are talking about Wi-Fi mesh and provide a wonderful format, framework to roll out a lot of security cameras, so they are working on that with the Police Chief and his team.

Commissioner Malakoff stated that one of the biggest traffic problems is FDOT and Miami-Dade County, and they all have to work together. She knows even for changing the signalization of traffic lights, they have to contact the County and then the County does a study and everything is delayed. If they go ahead with this smart transportation, can Miami Beach control their own streets, or do they need the cooperation of the County and the State?

Mr. Gonzalez stated that they have had very preliminary discussions with the County regarding the new technology. It is absolutely a technology that the County does not currently have, but they are supportive. Mr. Gonzalez explained that by Home Rule, the County has jurisdiction over traffic control devices. The hope is to work with them and not separately.

Discussion continued.

Kathie G. Brooks, Assistant City Manager, added that on the interim solution that they did last year, and will do again next year, the County has given the City the ability to adjust the signals for the special events. In addition, for the longer range solution if they are successful both working cooperatively with the State and County, it would automatically adjust itself based on traffic and volume occurring, so they do not have to manually adjust it.

Commissioner Steinberg met with Jose Gonzalez and Kathie G. Brooks yesterday to go over this because this is an issue that they are faced with every day. She thanked them for the presentation and added that as part of the study they are focusing on 41st Street south, and there are some corridors north of 41st Street and major infrastructure that she does not think should be overlooked and should be added to this, such as 63rd Street, 73rd Street and Indian Creek and she requested that they too be included in the study.

Jose Gonzalez, Transportation Department Director, explained that they are looking at

key intersections in the North Beach area and costing those out to see how much additional cost it would be for Phase I, and they will have that information soon.

Commissioner Tobin asked exactly how it is and who determined that there was a 230% traffic reduction, because he thinks it is a linchpin of what they are discussing. He asked who did this study and how they were able to verify the accuracy of this study.

Jose Gonzalez, Transportation Department Director, explained that starting with Art Basel last year through the previous Memorial Day Weekend, they had a traffic-engineering consultant that was responsible for the implementation and the monitoring of this system, so the system is a comprehensive system. It involves software with algorithms that are constantly evaluating traffic conditions and delays and speeds, so through the use of the Wi-Fi devices placed sporadically throughout the City, the software was able to determine speed based on distance and time, so it was all software driven.

Discussion continued regarding reducing traffic by 230%.

Mr. Gonzalez explained that they were monitoring the different intersections, and if they saw congestion build, they would contact the engineer from the company the City had engaged, and that engineer would physically go to the traffic control box and make whatever adjustments were necessary in order for the traffic to flow better.

Kathie G. Brooks, Assistant City Manager, added that the system used last year modifies the flow manually; the one they are hoping to get will automatically adjust it.

Mayor Levine stated that it is great because they have to figure out better transportation on Miami Beach. He suggested for Commissioner Tobin to meet with Mr. Gonzalez and go through the data.

7:21:24 p.m.

12:40:45 p.m. (DCR time)

R9C Presentation By The Florida Department Of Transportation (FDOT) On The State Road (S.R.) 907/Alton Road Reconstruction Project From 43rd Street To Allison Island Bascule Bridge.
(Transportation)

ACTION: Presentation made. Click [link](#) to view presentation.

RECOMMENDATIONS:

- Public Works to estimate costs for undergrounding lines. **(Eric Carpenter to handle.)**
- Item to come back to the September Commission Agenda. **(Lilia Cardillo to place on September 10, 2014 Agenda if received.)**
- FDOT to meet with elected officials and explain the project in detail. **(Eric Carpenter and Jose Gonzalez to coordinate.)**
- Review alternatives to bulbs outs. **(Eric Carpenter to handle.)**
- Further review the issue of Bicycle Shared Lanes, as they may not be appropriate to have on Alton Road. **(Eric Carpenter and Jose Gonzalez to handle.)**

Hong Benitez, P.E., Senior Project Manager, State of Florida FDOT, explained that this project is

the Alton Road reconstruction from 43rd Street all the way to Allison Road, just east of Allison Road. It has been in the study for quite some time. They also have presented the City with several alternatives, and this one is the latest development. Due to recommendations from City staff, that there is a strong voice to increase the parking lanes, FDOT went back and made adjustments to increase the parking lane. Ms. Benitez introduced the FDOT consultants on the project, Edwin F. Mojena, Vice-President, Lochner, and Carlos Ribbeck, P.E., Ribbeck Engineering, Inc., who are here to present this newly tweaked section and then they are seeking the City's approval to proceed with the final design.

Commissioner Weithorn asked if the item is expected to be approved today, because she does not intend to approve an item on plans that she just received.

Discussion held.

Ms. Benitez spoke.

Eric Carpenter, Public Works Director apologized for the last minute presentation of this cross section. He explained that this is a very similar cross section to the one that has been presented previously. The particular change that they are looking at with the new tweak to the cross section, is narrowing one of the inside traffic lanes for narrower road width, and increasing the parking lane, because the resounding input they received during the public meeting was related to problems with accidents regarding parked vehicles and people speeding on Alton Road. There were a couple of other concerns that came up during the public meeting regarding lighting. They certainly want to make sure that the landscaping remains. At the end of the day, FDOT was concerned about doing last minute changes because they did not have a chance to sit down with the individual City Commission members. However, it is the same exact asphalt width. It is just a function of the inside lane being narrowed. The outside lane stays the same and the parking lane has gone from eight to nine feet.

Mayor Levine asked if there is consensus to understand these plans more before approving.

Commissioner Malakoff mentioned that at the public meeting at the Miami Beach Golf Club, the issue of a Bicycle Share Lane on Alton Road was discussed, including the possibility of directing bicyclists to North Bay Road. However, the State of Florida stated that no matter how fast the cars go, the City needs a Bicycle Share Lane on Alton Road. She thinks this is just an accident waiting to happen, and it is not appropriate to have a Bicycle Share Lane on Alton Road. **(Eric Carpenter and Jose Gonzalez to review.)**

Commissioner Weithorn explained that the problem is that there is no connectivity for bicycles anywhere in the Middle Beach area. Discussion continued.

Eric Carpenter, Public Works Director, in answering Commissioner Tobin's question, explained that this is a full reconstruction for this segment of Alton Road, and FDOT has also agreed to install pump stations for the drainage, which is not necessarily typical for a State Road.

Discussion continued.

Mayor Levine stated that bulb outs would be discussed later.

Commissioner Weithorn stated that bulbs out are dangerous for cyclists as well as cars, because

people in an effort to get around them will park cars illegally. She suggested placing clippings and other stuff.

Mayor Levine suggested studying this item further and bringing it back at the September Commission. **(Lilia Cardillo to place on September 10, 2014 Agenda if received.)**

Eric Carpenter, Public Works Department, stated that it is certainly a time sensitive item, from the perspective that they need time to do the sign work, and discuss details regarding design and what to do as far as bicycle facilities.

Commissioner Weithorn suggested bringing the item to the September Commission meeting, but added that it is important for FDOT to sit with the Mayor and Commissioners to make sure the elected officials understand what they will be voting for. **(Eric Carpenter and Jose Gonzalez to coordinate.)**

Commissioner Tobin asked for an estimate price per foot for burying the power lines. **(Eric Carpenter to handle.)**

Handout or Reference Materials:

1. PowerPoint presented by FDOT Re: SR 907/Alton Road From South of 43 Street to East of Allison Road FM No. 430444-1-52-01.

7:06:32 p.m.

12:26:17 (DCR time)

R9D Discussion Regarding Muss Park And The Best Option Available To Provide Better Weather Protection For The Young Children Who Attend Our Programs There.

(Requested by Commissioner Micky Steinberg)

(Continued from July 23, 2014 - R9T)

ACTION: Discussion held. Motion made by Commissioner Steinberg to move Alternative No. 5, with the caveat that if funding is not available, then go with another alternative; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. **John Rebar and David Martinez to handle.**

Recommendations:

Adopt Alternative No. 5; keeping the integrity of the pavilion by putting a new indoor/outdoor pavilion. If funding is not available, select another Alternative.

Alternative 5 estimates:

- Cost to demolish pavilion: \$50,000
- Construction Work:
 - ✓ Construct new pavilion building for 120 kids and staff to current Code.
 - ✓ Include 2 Americans with Disabilities Act (ADA) accessible restrooms, an office, a reception area, a storage room, a mechanical room, etc.
 - ✓ Include permanent A/C system.
 - ✓ Include folding or rolling panels to fully enclose the facility.
 - ✓ 4,000 square feet (40' x 100')Construction Cost is: \$1,000,000 (\$250/square feet)
- 35% for soft costs, including CIP fees, design, bonds/insurance, contingency, AiPP, etc. (\$367,500)

Total Cost of Alternative 5: \$1,417,500

Commissioner Steinberg explained that at prior meetings, they have discussed options to have better weather protection for the facility at Muss Park for the children. The fifth option would keep the integrity of a pavilion, but putting a new pavilion that has indoor/outdoor capabilities, it can hold up to 120 kids, which is the number currently enrolled at Muss Park. Proposal 5 improves the pavilion, adds air conditioning and includes doors that can close to protect the children.

Commissioner Weithorn stated that did have money put aside in the Capital Projects, but not \$1 million; the problem is that if they do this renovation then they have to take money away from another project.

Commissioner Steinberg explained that she has been looking at alternate funding sources. Under the quality of life money, there must be a tourist component to a project in order to fund it. She suggested offering a daycare program to visitors and their families, which the City can work together with hotels in the area to make successful and thereby help fund the program utilizing quality of life money.

Kathie G. Brooks, Assistant City Manager, reached out to John Rebar, the Parks Department Director, to see if that was a program that could be done, and he is evaluating it.

Discussion continued.

Commissioner Weithorn asked how much quality of life money is left in Mid-Beach, because she knows that they are using a lot for the beach walk. She suggested moving the item, and if funding is not available, then selecting another alternative.

Discussion held regarding quality of life funding.

Commissioner Tobin added that this is a bricks and mortar facility that lasts a long time for the kids and he is in support of the best option.

Motion made by Commissioner Steinberg to move Alternative No. 5, with the caveat that if funding is not available, then go with another alternative; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson.

Handouts or Reference Materials:

1. Alternatives No. 1- 5 with estimated costs.

7:12:35 p.m.

12:32:22 p.m. (DCR time)

ADDENDUM MATERIAL 2:

R9E Discussion Regarding Penn 17, LLC Located At 1661 Pennsylvania Avenue, Addressing Their Lease Agreement And A Possible Adjustment To The Rent Schedule, The City Of Miami Beach Is The Landlord On The Lease.

(Requested by Vice-Mayor Michael Grieco)

ACTION: Discussion held. Motion was made by Commissioner Weithorn; seconded by Vice-Mayor Grieco to: 1) Authorize the Administration to have discretion to negotiate, including abatement of the rent; 2) Refer the item to the September Finance and Citywide Projects Committee meeting, and 3) Bring back for final approval at the **October 22, 2014** Commission Meeting; Voice vote: 6-0; Absent: Commissioner Wolfson. Lilia Cardillo to place on the October 22, 2014 Commission Agenda if received. **Max Sklar and the Office of the City Attorney to handle.**

REFERRAL:

To the September Finance and Citywide Projects Committee. **Patricia Walker to place on the agenda; City Manager's Office and the Office of the City Attorney to handle.**

Vice-Mayor Grieco introduced Steve Polisar and stated that this is a time sensitive item.

Steve Polisar, representing Kris Wessel/Oolite Restaurant, explained that Mr. Wessel has made a large financial commitment to have professional management; they are not corporate, and he thinks this lease is out of balance. This lease was negotiated for the use of a supermarket, which was not successful. The current occupants have invested over \$4.5 million and they have been paying the City about \$900,000 in rent in the period leading up to their opening about a month ago. They have about 7,800 feet and are paying \$65,000 a month in rent. When reviewing the lease at \$65,000 a month for 7,800 feet in a place that is in a difficult location, it would require \$20,000 a day for them to be able to reach the goal of a restaurant, which the standard in the industry is that you should not pay much above 10% in your total gross in rent. They would have to do \$650,000 a year, which is over \$21,000 a day. At some point in the future, this location, when we get the Convention Center up and the hotel up, will be an interesting location, and it would be an asset to the City if they had a strong independent operator rather than another corporate entity.

Vice-Mayor Grieco explained that they are paying a great deal in rent, they are going to go out of business; these tenants are paying too much, in his opinion. He asked if his colleagues are in support of allowing the City Manager to potentially renegotiate the lease. He is asking help for the tenants.

Discussion held.

Commissioner Weithorn informed the Commission that this item has been to the Finance and Citywide Projects Committee in the past several times. She suggested looking at it holistically, but in the meantime, they could give temporary relief for one or two months and refer to the Finance and Citywide Projects Committee to come up with a long-term solution.

Raul J. Aguila, City Attorney, stated that he has the background on this issue as he negotiated the lease amendments with Mr. Polisar and Mr. Rosen, along with Max Sklar. Mr. Aguila asked that his Office be involved, so they may help in anyway.

Mayor Levine requested that this item not be delayed at Committee, but he would approve the City Manager to negotiate.

Discussion held.

Commissioner Tobin asked if the rent was paid for the month of July.

Mr. Polisar stated that his customer paid over \$900,000 during the time they were under construction, while they were closed, and they paid \$20,000 this month.

Commissioner Tobin asked if they are going to stop collecting rent for a while, then he wants the tenant to agree to a hold harmless agreement against the City for any potential legal issues that may come up. **Office of the City Attorney to handle.**

Commissioner Weithorn motioned to allow the City Manager's Office have discretion, up to including abating the rent until the City Commission figures it out; come up with a recommendation, hear it at the September Finance and Citywide Projects Committee meeting, and bring it to the October 22, 2014 Commission meeting to finalize, that way they have a finite period of time; seconded by Vice-Mayor Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson.

5:46:19 p.m.

11:06:37 a.m. (DCR time)

ADDENDUM MATERIAL 3:

R9F Discussion Regarding A Traffic Impact Study And The Possible Future Convention Center Hotel.
(Requested by Mayor Philip Levine)

ACTION: Discussion held. **Jose Gonzalez, Saul Frances and Maria Hernandez to handle.**

Recommendation:

- Start looking at an independent traffic study related to the possible future Convention Center Hotel.
- Estimate the costs and duration of the study.
- Bring the independent traffic study options to the September 10, 2014 Commission Meeting.
- SMG and Jeff Sacks to put together a traffic impact study scope that is specific to a headquarter Convention Center hotel.

Mayor Levine stated that it is important for the Commission to instruct staff to determine the cost and duration of an independent traffic impact study to determine the effects of a possible future Convention Center hotel. The Mayor thinks that most of the Commission agrees that they want a hotel to happen, but it is incumbent upon them to at least begin looking at an independent traffic study so that they know to what level it will affect the City. He suggested perhaps in September they can look at how much it will cost and the possible options for a traffic study.

Vice-Mayor Grieco agreed with Mayor Levine and stated that this is something the public had asked about and it was a promise they made to the public.

Commissioner Tobin stated that they know, anecdotally, that a Convention Center hotel is going to dramatically reduce parking, traffic and congestion, because people will be able to go there as oppose to getting in their cars. However, he wants to make sure that when staff is hired, that they do not ask the question, "what is the impact of a hotel here, and the cars that are going to that hotel?" The question is much bigger than that. The question is what do you do when you put everyone on the site where they need to go, so they do not need to use cars. We need to look at the big picture.

Commissioner Steinberg agreed that it was a great idea.

Discussion continued.

City Manager Jimmy Morales added that given the team that they have in place between SMG and Jeff Sacks, they can easily help put together a scope specific to a headquarter Convention Center hotel.

6:18:09 p.m.

11:38:17 a.m. (DCR time)

ADDENDUM MATERIAL 3:

R9G Revisit The Commercial And Freight Loading Zone Ordinance 2014-3873 Due To The Significant Reduction In Parking Spaces Available On Washington Avenue And Concern Regarding The Loading Hours And Size Of Loading Zone.

(Requested by Commissioner Deede Weithorn)

ACTION: Discussion held. See related item C4B. Vice-Mayor Grieco made a motion to delay the enforcement of the Ordinance in perpetuity and have it readdressed at the September Commission meeting; allow for the issuing of the permits, and meet with assigned group (Saul Frances, Saul Gross and himself) to walk down Washington Avenue to discuss and come up with block-by-block holistic solutions; seconded by Commissioner Weithorn. Voice vote: 6-0; Absent: Commissioner Wolfson. **Saul Frances to handle.**

RECOMMENDATIONS:

- Delay enforcement in perpetuity.
- Bring back to the September 10, 2014 Commission Meeting.
- Allow issuance of permitting process.
- Give the City Manager discretion to make changes to the Ordinance as needed.
- Vice-Mayor Grieco, Saul Frances and Saul Gross will meet to walk on Washington Avenue and come up with block-by-block holistic solutions.
- Item referred to LUDC (see related Item C4B)

MOTION:

Vice-Mayor Grieco made a motion to delay the enforcement of the Ordinance in perpetuity and have it readdressed at the September Commission meeting; allow for the issuing of the permits, and meet with assigned group (Saul Frances, Saul Gross and himself) to walk down Washington Avenue to discuss and come up with block-by-block holistic solutions; seconded by Commissioner Weithorn. Voice vote: 6-0; Absent: Commissioner Wolfson.

Commissioner Weithorn explained that this item is effective September 1st, with fines starting on the 15th, and since there is no further Commission Meeting until September 10, 2014, she thinks it needs to be discussed. She has had comments from the community and former Commissioner

Gross. Upon visiting the site, she realized that there are many parking spaces that will be taken, and business owners are distressed about the impact on their ability to get foot traffic. The item adopted allows the Parking Department to work with the City Manager's Office to tweak the language. She suggested giving a policy direction today to delay the implementation of the rules, review the item, get some feedback and make amendments as needed.

Former Commissioner Saul Gross stated that the small businesses are struggling to survive. Five spaces in some blocks are 65% of the available parking on that block or 50% or 35%. This is a huge percentage of the spaces on the block, particularly on the east side of Washington Avenue, where the alley was constructed behind the street. The alley has historically been used for deliveries. Trash is removed from the alley. The trash vehicles weigh 33,000 pounds, they are in the alley picking up the trash, and the line of demarcation for some reason in the Ordinance is at 10,000 pounds. He thinks they would be shocked to find the small number of large delivery trucks that actually would be using loading zones on the street, which might be in the case of large nightclubs, of which there are three on all of Washington Avenue. Customers will drive around for ten minutes, looking at hundred feet of yellow line where five parking of spaces were removed, and will probably decide to go somewhere else, and this is affecting the business owners. Their business is off 40% from last year. This Commission formed the Blue Ribbon Committee to address the needs of Washington Avenue, and this is cutting off the knees in the streets before the committee meet. The City Manager cleverly wrote it the Ordinance in a general way without the specifics contained in the Ordinance, but as Commissioner Weithorn says, it makes sense to give the City Manager some policy direction and feedback as he continues to tweak what is totally within his discretion of where the locations of the loading zones are, how big they are and what the hours are going to be.

Mayor Levine explained that this was something done because of the fact they had so many problems with these delivery trucks and due to the amount of complaints.

Mr. Gross suggested that this is an enforcement issue, and if it is to be enforced, it should be in the alley; that is where the loading trucks belong.

Vice-Mayor Grieco stated that the alleys were historically being abused and the reason for the alleys is that the City needs egress and ingress and they need to have the emergency vehicles be able to go up and down. Garbage trucks and parcel services are excluded, because the trucks can be moved at any time, as opposed to deliveries that take longer; that is why they do not have huge tractor-trailers go through the alleys. He is sensitive to Mr. Gross' issue and believes there is middle ground, but at the same time, some of the e-mails and pictures sent are misleading, since it depicts areas where all of the businesses are closed during the day, specifically the 1200 block picture.

Discussion held.

Vice-Mayor Grieco added that there are less people complaining about the parking on Washington Avenue than those complaining about getting home on Washington; they responded to those complaints as a body and they received nothing but support from the community and the business owners. This has been going on for five months; they worked with the local businesses owners, UPS, Cheney, and this is not just a Washington Avenue. He urged his colleagues to find middle ground and defer to Saul Frances.

Saul Frances, Parking Department Director, commented that they are sensitive to the lack of parking on Washington Avenue as well. They do not want to reduce parking by any means, and they will be monitoring the use of spaces and tweaking those as they go along. If there is

underutilization in some of those loading zones, they will reduce the loading zones or eliminate them, but they need a starting point. A lot of this was driven by feedback from purveyors and businesses themselves that they need these opportunities to conduct these deliveries. Each freight loading space is five spaces and there are 12 designated along Washington Avenue from 5th to 17th; that is 60 parking spaces. The total inventory along that corridor is 272. That is s 22%. Pre-Ordinance it was 9%, so there is an increase of 13% as far as the parking spaces now used for freight loading zones.

Discussion continued regarding delivery hours.

Mr. Gross explained that the important thing is to go block-by-block. Most of what is blocking the street is UPS, federal express and vehicles that are less than 10,000 pounds and are supposed to go in the alley.

Discussion continued.

Mayor Levine stated that Vice-Mayor Grieco did a lot of work on this, and everybody benefitted from the work and there was consensus to move forward with it. He suggested that Vice-Mayor Grieco, the City Manager, Saul Frances and Saul Gross figure out how to amend the language to resolve the issue. Vice-Mayor Grieco agreed.

Commissioner Weithorn suggested delaying the implementation of this Ordinance for 30 days while the group works it out. She knows the purveyors want this and they worked with them, but if businesses cannot make it work and it hurts them, then they do not have customers to sell to and they would not be doing this right. She suggested delaying it 30 days, going block-by-block and making it work.

Discussion continued.

Mr. Gross does not think that any of the materials that he read showed how many spaces per block were removed. Nobody focused on that, and truthfully, there may have been a lot of outreach, but he did not know it was going on, and he is one of the business owners on Washington Avenue. None of the other large business owners on Washington Avenue knew and they were horrified when they realized the outcome. He knows that there is not a single business owner on Washington Avenue that is in favor of this. The important question is if you want to prioritize an occasional loading truck in a loading zone for 15 minutes or half-hour a day, as compared to all the time parking for five vehicles; he just does not think is close.

Mayor Levine stated that Saul Gross will be chairing the Blue Ribbon Committee on Washington Avenue and he knows that they will come up great ideas to improve the area.

Commissioner Tobin agrees with Vice-Mayor Grieco, and is in favor of having them meet to improve the Ordinance; however, in fairness, no one told the City Commission how many spots they were going to lose. They knew they had a problem that needed to be fixed.

Discussion continued.

Commissioner Malakoff stated that Commissioner Weithorn made a good suggestion, which was to start warnings as of August 1st, but the fines against for the trucks that are parked illegally or double parked in the middle was supposed to start September 1st, she suggested delaying the fines by one month.

Discussion continued.

Vice-Mayor Grieco explained that they are also changing the way the permitting process is regulated. The permitting process needs to begin. He thinks that Saul Gross is concerned about the parking elimination, which is being painted presently. They would have to undo what they have physically done, but if that is what this Commission has an appetite to do, he is agreeable with it.

Commissioner Weithorn stated that she suggested delaying for 30 days, because as they tweak the Ordinance it will change some of the impacted areas, and she believes we need to be consistent and considerate of the possible fines. Commissioner Weithorn thinks the registration process should begin. Commissioner Weithorn added that no one gave them a map of what the parking impact would be, that was done administratively. They are giving direction for them to take a second look at the administrative portion of what they passed, and she asked for more time on the fines. She suggested letting the registration process begin, give the warnings a bit longer, and the fines kick in a little later to be able to make the necessary changes.

Commissioner Steinberg agreed and added that perhaps the intent was good but sometimes there are unforeseen consequences, so she agreed in delaying the process to fine-tune it to make it work for everybody.

Discussion continued.

Saul Frances, Parking Department Director, stated that the spaces are currently delineated, so they need to get together quickly to figure out where adjustments need to be made as far as loading zone.

Discussion continued.

Mayor Levine asked if there was consensus to allow the City Manager to have some discretion so he could work towards resolving the matter.

Saul Gross requested that a policy decision be made that the alley is appropriate for deliveries as it has been for the last 70 years.

Commissioner Weithorn asked the City Manager to revisit the alleys. She does not think they can do a policy decision, but they can look at it block-by-block. She suggested slowing down a bit.

Discussion continued.

Jimmy L. Morales, City Manager, explained that there are certain things where he has discretion, such as the number of zones, times of operation, where zones are located, but on the issue whether or not the alleys can be used it is a clear policy mandate in the Ordinance, and he does not think he has that discretion. If they want to revisit that policy, they probably have to do it by Ordinance.

Discussion continued.

MOTION:

Vice-Mayor Grieco made a motion to delay the enforcement of the Ordinance in perpetuity and have it readdressed at the September Commission; allow for the issuing of the permits, and meet with assigned group and walk Washington Avenue to discuss and come up with holistic solutions,

and/or go block-by-block; seconded by Commissioner Weithorn. Voice vote: 6-0; Absent: Commissioner Wolfson.

End of Regular Agenda

Meeting adjourned at 7:34:04 p.m.